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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------|---|--|
| UNITED STATES OF AMERICA, |) | No. CR 07-0337 MHP |
| |) | |
| Plaintiff, |) | |
| |) | PARTIES' JOINT REQUEST TO CONTINUE |
| v. |) | SENTENCING HEARING AND PROPOSED |
| |) | ORDER |
| JACQUELINE FROEHLICH- |) | |
| L'HEUREAUX, |) | |
| |) | |
| Defendant. |) | |

The parties jointly request that, subject to the Court's approval, the sentencing hearing presently set for June 1, 2009, be continued and set for sentencing hearing on September 28, 2009, at 9:00 a.m. The United States has previously determined from reviewing the Court's publicly posted scheduling information that the Court is currently available for a hearing on that date. The assigned probation officer, Constance Cook, also has been consulted with respect to this date and has indicated that she is available on that date. (The parties also note that the Court has previously continued the sentencing of Becky Christian in the related case CR 08-0237.) The basis of the parties' joint request is set out in more detail below.

The defendant Jacqueline Froehlich-L'Heureaux pled guilty pursuant to a plea agreement on June 4, 2007, to one count of conspiracy to gain unauthorized access to a protected computer, exceed authorized access to a protected computer, and traffic in a password allowing unauthorized access to a protected computer, in violation of 18 U.S.C. § 371. The case was

referred to the Probation Office for a presentence report. The plea agreement also includes standard terms of cooperation.

In light of continuing cooperation under the terms of the plea agreement, the parties jointly request that the June 1, 2009, sentencing hearing be continued for a sentencing hearing on September 28, 2009. Additional time is needed for the defendant to complete her cooperation with the government. Specifically, charges have now been filed against David Nosal. That case is numbered CR 08-0237 MHP. The parties' next appearance in that matter is April 27, 2009, at which time the Court will likely either set a briefing schedule for additional motions, or set a trial date. When the Nosal matter does proceed to trial, the defendant Froehlich-L'Heureaux is expected to testify in that matter. Because Ms. Froehlich-L'Heureaux will be required to testify at trial, her cooperation with the government's investigation is not yet complete.

For all of these reasons, the parties jointly request that this Court vacate the sentencing hearing presently set for June 1, 2009, and set a sentencing hearing for September 28, 2009, at 9:00 a.m. In addition, the parties jointly request that the due dates for the presentence report be calculated using the new sentencing date.

SO STIPULATED.

Dated: April 17, 2009

SCOTT N. SCHOOLS
Acting United States Attorney

Kyle F. Waldinger

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KYLE F. WALDINGER
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SO STIPULATED.

Dated: April 17, 2009

Leland B.

Altschuler

LELAND B. ALTSCHULER

Attorney for defendant Froehlich-L'Heureaux

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~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING,

IT IS ORDERED that the sentencing hearing presently set for June 1, 2009, be continued to September 28, 2009, at 9:00 a.m. The final presentence report should be disclosed two weeks prior to the sentencing date.

Dated this 21st day April, 2009

